



Department of Pesticide Regulation's
**AGRICULTURAL PEST CONTROL
ADVISORY COMMITTEE**

Date: Wednesday, October 20, 2004 Time: 9:30 a.m. – 12:00pm
Location: Cal EPA Building, 1001 I Street Training Room East/West, Sacramento, CA 95812

Members Present: (7) David De Silva – Board of Governors of the Community Colleges, Michael Costello- California State University System, Tim Butler – Registrants, Linda LaVanne- Agricultural Pest Control Advisers, Jeff Phillips- Commercial Applicator Certificate Holders, Richard Stoltz- Pest Control Aircraft Pilots, Barbara Todd- Department of Food and Agriculture (Ex-Officio)

Department Staff: (8) David Duncan- Chair of Committee (Ch), Rayven Jenkins, Ada Scott, John Sanders, Sandy Ratliff, Polly Frenkel, Cynthia Ray, Mac Takeda

Guests: (8) Kim Crum- CAPCA, Terry Gage- California Ag Aircraft Association, Judy Letterman- PAPA, Anne Katten- CRLAF, Renee Pinel- Western Plant Health Association, Dennis Kelly- SYNGENTA, Susan Kegley- Pesticide Action Network, Mary Louise Flint-UCIPM

Members Absent: (5)– Ronald Berg- Pest Control Dealers, Ronald Cisney- Agricultural Pest Control Businesses, Jean La Duc- General Public, Scott Hudson- County Agricultural Commissioner Association, George Kaiser – Maintenance Gardener Pest Control Business,

AGENDA

9:30-9:35 Introduction of members and others in attendance and review of agenda
David Duncan, Department of Pesticide Regulation (DPR)

9:35-9:38 Review and approval of July 14, 2004 Minutes
Committee approved the minutes without comments or corrections.

9:38-9:40 Change in agenda
David Duncan, Department of Pesticide Regulation (DPR)

- DPR Environmental Justice presentation cancelled. Terry gage asked if someone at DPR could speak to the project anyway. David Duncan said that people were missing, but he would see what could be arranged.
- DPR Pesticide Product Enforcement Program and Mill collection added.

9:40-10:10 Statewide Permitting and Use Reporting System (SPURS)
Ada Scott& David Duncan, Pest Management and Licensing Branch

Feedback requested during/after meeting. Email Ada Scott (ASCOTT@cdpr.ca.gov) or David Duncan (dduncan@cdpr.ca.gov).

Ada Scott Presentation:

Current System

The current software applications used to manage the restricted material permit and pesticide use report programs were developed well over 15 years ago to remain compliant with functional equivalency mandates per the California Environmental Quality Act (CEQA). It requires the County Agricultural Commissioner (CAC) staff to use a clumsy, time-consuming combination of manual and automated processes in order to manage permit applications, notices of intent (NOIs), and pesticide use reports (PURs).

SPURS will:

- Provide full integration of GIS (digitized field borders and identification of sensitive sites) with permits, notices of intent, and pesticide use applications.
 - Buffers are used to generate a listing of sites requiring notification of a pending application. A GIS map identifies adjacent field sites that fall within the impact area. Spatial buffering can be used in many situations to help identify target or impacted locations.
 - Using GIS to track commodity and pesticide use patterns makes it possible to make smarter mitigation decisions and implement better preventative management practices. GIS is used to quickly identify potential pesticide drift that may result in crop loss and/or human health or environmental incidents.
- Standardize the implementation of business-based rules (permit conditions, mitigation measures and/or pest management practices) statewide, while allowing CACs discretion to implement measures that meet local needs
- Allow on-line (web-based) submittal of permit updates, NOIs, and PURs by growers and applicators.
- Improve data reporting and timeliness to provide more accurate and better quality data for developing and implementing regulatory and voluntary programs to meet increasingly complex pest management programs and practices

Statutory and Program Requirements to be supported by SPURS

The Department's role in environmental and human health protection has expanded in the last decade. SPURS is capable of assisting the CAC and DPR in making risk management and other regulatory decisions. Listed below are areas SPURS will assist DPR.

CEQA - To comply with CEQA, all known sensitive areas that could be adversely impacted by use of restricted materials must be identified and evaluated prior to issuing a permit, including:

- Urban and rural residential neighborhoods
- Schools
- Hospitals
- Waterways (lakes, rivers, streams, and canals) and ground water protection areas
- Critical habitats of rare, endangered, or threatened species, wetlands, livestock, and crops

Federal Clean Air Act - ARB estimates an additional 30% reduction in VOCs from all sources, including pesticides, is needed between 2005-2010 to achieve air quality standards in the San Joaquin Valley.

Toxic Air Contaminant - a total of 37 pesticides have been designated as TACs. There are 200 pesticides identified as candidates for evaluation as TACs.

Ground Water Protection Areas (GWPA's) - approximately 2.4 million acres have been designated as vulnerable to pesticide contamination from leaching and runoff. Management practices are written into regulations for each area type and enforceable at the section level.

Federal Clean Water Act (CWA) – more accurate source identification to aid in TMDL determinations as required to develop a mitigation strategy for each impaired water body.

Surface Water Protection Program - the response component for ag and nonag sources of pesticide residues in surface waters includes mitigation options to meet water quality goals. It recognizes the value of self-regulating efforts to reduce pesticides, as well as regulatory authorities of DPR, the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB).

California Water Code/Ag Waivers – during the permitting process, the CACs, in cooperation with individual growers and/or water coalitions, will be able to apply the coalition's approved ag waiver plans, including previously agreed upon pest management practices and use conditions, to those fields most likely to have the potential to contribute to surface water pollution. This will lead to uniform control measures and practices across all counties within a watershed.

Endangered Species – Pesticide use restrictions on areas (sections) where rare and endangered species habitats have been identified.

Regulatory Mitigation Measures – Development of mitigation measures, including but not limited to:

- Limits (caps) based on chemicals (fumigants, rice pesticides), acreage treated, soil type, application methods, and time of year (seasonal use)
- Limits based on geographic locations (within a township, county, air basin or regional watershed)
- Varying buffer zones to protect schools, sensitive crops, water bodies, field workers, organic farms/crops, etc.

Miscellaneous

- Nitrates and dairy farms
- Historical pesticide use patterns on fields, geographic regions, etc.
- Crop reporting – acreage planted

Additional comments:

- 46 counties have implemented GIS in various stages.
- Two separate databases are being used. The goal is to combine them and save time and resources.
- Envision: County staff will take spatial data and digitize information in office.

GIS allows system to do a lot of analysis & identification.

- 170,000 notices of intent are sent to county offices per year.
- CAC must do pre-site inspection of 5% of the 170,000.
- Submit use reports. 2.4 million received per year.

Question & Answer:

Are you interfacing with other agencies?

David Duncan: Yes. Water Board. Proposition 40 & 50 re: watershed problems. If able to secure money by bits & pieces, might be more expensive in the long run.

Ada Scott: Staff other than CAC collecting data. Proprietary issues need to be addressed also.

CAPCA: Kern County is a good example of how CAC & Industry works together. They have had an incredible system running for 3 or 4 years.

David: CAC's have agreed formally that the GIS system would be great to use.

Do you have estimates on how much it would cost?

David: 4 to 5 million dollars. \$ 1.4 million ongoing, which includes staff.

Ada Scott: Gives CAC more time to work in field.

Could the system be applied to home pesticide use or urban use?

David: No. We can't do it now and we have no plans for the future. Pest control businesses provide summery data.

Ada: There would need to be a regulatory change to be more specific in urban use.

When would it be available?

David: If we had funding, design would begin within a year of submittal.

Ada: Two to three years after approval for completion. 2008.

Ada and David are available for road show.

10:10-10:45 Report from Subcommittee on Minimum Qualifications for PCA License Application Linda LaVanne, Michael Costello, Mary Lou Flint, Kim Crum, APCAC Committee

Presented the final draft on applicant's Minimum Qualifications for PCA License . The challenge was to improve integrity while allowing reasonable flexibility.

Changes:

- Language
- Add Grade Point Average (GPA) of 2.0 to the core course requirements section.
- Reduce the requirements by one course in both the Crop Health section and the Pest Management Systems and Methods section, and use the same requirements in another section for a more just rearrangement of classes.
- Production system: Opportunity to use work experience from full time employment.

Least Change:

- Physical and biological science.

Dave liked the changes and felt they should help most applicants. He stated that in order to implement the minimum qualification requirement change, we must change the regulations. Draft a statement of reason with comments for 45 days from the public to present to OAL. OAL must approve.

Committee agreed with the subcommittee's draft minimum qualifications for PCA license and recommended it to the director for approval.

10:45-11:00 (BREAK TBA)

11:00-11:15 (Change to original agenda)
DPR Pesticide Product Enforcement Program and Mill collection
Polly Frenkel, DPR Chief Legal Counsel

Polly delivered a concise description of Product Quality Enforcement (POE)
POE has established the mill branch to cover:

- Audit reports of sales
- Identify sales and use of unregistered pesticides/microbials
- 150 – 200 cases a year
 - Collect one million dollars in civil penalties.

POE must push now to collect mill for products coming into the state.

- In non-agricultural areas.
 - It is difficult to reach those sales.
 - Some large chain stores have data systems to track sales.
- Internet sales.
 - USEPA is trying to identify these sales. A cohesive policy is needed.
 - Why should some pay and some not?
- Cataloging

What is the role of DPR and the County Agricultural Commissioners (CAC)?

- CAC first to take action and reports the use violation.
- DPR comes in when an appeal is made.

11:15-11:20 DPR Environmental Justice Pilot Projects
John Sanders, Environmental Monitoring Branch, (EM)

- The Secretary determines which PP goes forward.
- State and Local advisory groups are being formed.
- CalEPA wants multi-media sampling. Perhaps the water board, Air Resources Board, and DPR could do a cross media assessment.

John feels DPR should look at developing a Pesticide Rural community using a precautionary approach and public participation.

The Process:

- Workshops: solicit input over the next year.

Determine

- What are specific objectives?
- How to select community?
- How pesticides are to be monitored.

Contact Randy Segawa at rsegawa@cdpr.ca.gov or John Sanders at jsanders@cdpr.ca.gov with any questions

11:20-11:30 Licensing and Certification Renewal Update, Website Changes, 2005 Exam Schedule, Miscellaneous Updates
Mac Takeda, Cynthia Ray

Renewal statistics:

- 2328 A thru L Businesses need to renew by Dec 31, 2004, and 2001 M thru Z by Dec. 31, 2005
- 11,824 A thru L Individual License holders need to renew by Dec. 31, 2004, and 10,043 M thru Z by Dec. 31, 2005

Current Renewal Problems

- Not signing renewal form
- Not submitting continuing education hrs.

Website changes:

- Renewal applications are on the Web site
- The 2005 schedule maybe on the Website in November

Aerial Applicator Study guide:

- DPR is seeking bids to do the aerial applicator study guide and exam pool project. Conference room 110 has been reserved for November 2, 2004 at 10:30a.m. to conduct the Bid Opening for the aerial applicator study guide and exam development contract.
- DPR is very specific about what we want and amount the project is budgeted for.

11:30-11:40 Study Guides and Exams Question Pool Update – Latest Projects
Landscape Maintenance Study Guide and Exam, UC role in certification and training in response to funding reductions.
Mary Lou Flint and Committee

The Landscape Maintenance Study Guide is ready to print, and should be ready to purchase by September 2005.

A 'Q' (Maintenance Gardner) Study guide will be developed and be very visual.

Judy Letterman was concerned that lowering to a 'Q' is allowing for misuse of pesticides. Mac Takeda felt that this outreach would make applicators more educated. David Duncan and Mac Takeda felt that more applicators would become licensed by offering a 'Q' exam.

11:40-11:50 Regulations Update, Department of Fish and Game's Trapper License, DPR's Applications Forms, Rulemaking Calendar
David Duncan, Mac Takeda and Committee

Department of Fish and Game's Trapper License:

It is rumored that the Department of Fish and Game may withdraw the trapper proposal. The old regulations would still be in effect. The Department of Fish and Game is setting up a training program to follow the law, so technically, every licensee who meets the trapper criteria would have to go through the Department of Fish and Game training.

Rulemaking Calendar:

Although late, both The Continued Education requirement for Private Applicators, and Categories L through Q change of statutes are moving ahead. They need explanation and justification.

11:50-12:00 Next agenda and meeting date

Committee Meeting date: January 19. 2005.

Dave wants coordinator for EJ back.

Questions about this agenda should be directed to David Duncan at (916) 445-3870 or dduncan@cdpr.ca.gov